

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

AARON MANOPLA and EVELYN
MANOPLA, on behalf of themselves and all
other similarly situated

Plaintiffs,

v.

HOME DEPOT USA, INC., ATLANTIC
WATER PRODUCTS and JOHN
DOES 1-25,

Defendants.

Civil Action No. 3:15-cv-01120-PGS-TJB

DECLARATION OF STEPHEN P. DeNITTIS, ESQ.

I, Stephen P. DeNittis, an attorney duly admitted to practice law in the State of New Jersey, declare under penalty of perjury:

1. I am the managing shareholder with DeNittis Osefchen Prince (“DOP”), counsel of record for Plaintiffs in this matter. I am an attorney-at-law in the State of New Jersey, the Commonwealth of Pennsylvania, the Supreme Court of the United States, the United States Third Court of Appeals, the United States District Courts for the District of New Jersey, Districts of Eastern, Middle and Western Pennsylvania and the District of Western Tennessee. I am certified by the Supreme Court of New Jersey as a Certified Civil Trial Attorney. I respectfully submit this declaration in support of Plaintiffs’ motion for preliminary approval of the settlement of the above-captioned class action.

2. Along with the Law Offices of Todd M. Friedman and Marcus Zelman, DOP has been responsible for prosecuting Plaintiffs’ claims.

3. I am one of the Plaintiffs' Counsel in this action and fully support the proposed settlement in the case at bar, and believe it is fair, reasonable and adequate, and in the best interest of the class. The named Representative Plaintiffs also fully support the proposed settlement.

4. For the sake of brevity, Your Declarant adopts, ratifies and reaffirms the procedural history and description of the Settlement Agreement and allocation formula as described in the Declaration in Support of Ross H. Schmierer, as if it were set forth herein

Class Action Experience

5. I have extensive experience in class actions. I have successfully participated in over 175 class actions as lead or co-lead counsel representing millions of consumers and employees in numerous consumer class actions in various courts throughout the United States, recovering collectively over \$154 million for our clients, including actions involving consumer fraud, violations of the Real Estate Settlement Procedures Act (RESPA), construction defects, wage and hour violations, and environmental torts; including, but not limited to, the following class actions:

Federal Class Actions: Filannino-Restifo v. TD Bank, N.A., Civil Action No. 1:16-cv-2374-JBS-JS (D.N.J.)(a N.J. CFA action that settled for \$9,445,000 alleging Defendants coin-counting machines were under counting); Poole v. Merrill Lynch, Civil Action No. 06-cv-1657 (D.Or.) (a nationwide wage and hour class action that settled for \$43.5 million); Kaufman v. JP Morgan Chase, Civil Action No. 05-cv-9750 (S.D.N.Y.) (\$5 million wage and hour class settlement); Telliho v. American Traffic Solutions, Civil Action No. 3:12-cv-4800-SGS (\$4.2 million settlement regarding New Jersey red light cameras); Anderson v. Redflex, Civil Case No. 3:12-cv-5198 (\$2.1 million settlement regarding New Jersey red light cameras); Bernhard v. TD Bank, Civil Action No. 08-4392-RBK-AMD (D.N.J.) (\$375,000 wage and hour settlement);

Kaufmann v. Commerce Bancorp., Civil Action No. 06-cv-4664-RBK-RMD (D.N.J.) (\$600,000 wage and hour settlement); Jones v. Commerce Bancorp. Inc., Civil Action No. 05-cv-05600-RBK-AMD (D.N.J.) (injunctive relief settlement); DeMarco v. National Collector's Mint, Inc., 229 F.R.D. 73 (S.D.N.Y. 2005) (a matter of first impression which resulted in a settlement valued at \$9 million); Carnival, et al. v. WMX, Technologies, et al., Civil Action No. 97-5122 (D.N.J.) (\$5.1 million settlement); Arnold, et al. v. Ambassadors International, Inc., et al., Civil Action No. 01-CV-2020 (RBK) (D.N.J.) (settlement valued at \$5 million in addition to injunctive relief);

State Court Class Actions: Jones, et al. v. EEG, Inc., et al., Phila. Ct. Comm. Pls. No. 160800812 (August Term, 2016) (\$6.75 million settlement for alleged violations of various New Jersey and Pennsylvania consumer fraud statutes by a beauty school for allegedly overcharging its paying customers); Krivy v. Jean Madeline Educ. Ctr. of Cosmetology, Inc., Phila. Ct. Comm. Pls. No. 2603 (Feb. Term 2014) (\$1.35 million consumer fraud settlement); Barkers v. PSEG, Docket No. BUR-C-39-03 (settlement resulted in PSEG repairing 3,000 defective gas meter sets throughout the State of New Jersey and resulted in the Board of Public Utilities adopting new gas meter regulations); Felderstein v. Orleans, Docket No. BUR-L-479-02 (\$345,000 settlement); Melnick v. Orleans, Docket No. BUR-L-152-01 (\$1.4 million settlement); Spectracom, Inc. v. Cell Direct Corporation and Fax.com, Inc., Docket No. CAM-C-116-02 (injunctive relief settlement); Ward and Decker v. York International, et al., Docket No. BUR-L-2693-03; Schmoll, et al. v. Hovnanian, Docket No. BUR-C-141-02; Staub v. Hoeganaes, Docket No. BUR-L-2080-03 (\$1.4 million settlement); Blasini v. Weichert South Jersey, Inc., Docket No. BUR-L-736-11 (\$525,000 for a class of 8,000 home buyers charged an allegedly illegal \$200 administrative fee by Weichert in violation of the New Jersey CFA); Blasini v. Prudential Fox & Roach, Docket No. BUR-L-989-11 (\$270,000 for a class of 4,000 home buyers charged an

allegedly illegal \$275 administrative fee by Prudential in violation of the New Jersey CFA); Baraldi v. Surety Title, Docket No. BUR-L-3379-11 (a settlement on behalf of 36,000 Surety customers who were allegedly overcharged deed and mortgage recording fees and were refunded 100% of the overcharge through a claims process); Blasini v. Trident Land Transfer Company of New Jersey, LLP; Trident Insurance Agency Company, LP; Trident Insurance Agency Company, LP; Trident Abstract Title Agency, LLC; and Trident Group, Inc., Docket No. CAM-L-2355-11 (a settlement on behalf of 17,000 Trident customers who were allegedly overcharged mortgage recording fees and were refunded 100% of the overcharge through a claims process).

6. I have presented and/or lectured to attorneys on the following class action topics at the following Continuing Legal Education seminars:

- Lecturer, “Fair Labor Standards Act (FLSA) Collective Actions,” Camden County Bar Association Labor & Employment Law Committee, November 12, 2008
- Lecturer, “Private Practice Professional Development Symposium – Class Action Litigation,” Rutgers-Camden University School of Law, February 28, 2009
- Lecturer, “Anticipating Class Actions,” Camden County Bar Association Class Action Practice Committee, March 23, 2010
- Lecturer, “The Impact of Recent Developments in Class Action Law in the Interests of Plaintiffs and Defendants – New Jersey and Beyond,” Camden County Bar Association Class Action Practice Committee, April 19, 2011
- Lecturer, “Challenges for Plaintiffs and Defendants Posed by Recent NJ Class Action Decisions,” Camden County Bar Association Class Action Practice Committee, May 16, 2012
- Lecturer, “Consumer Fraud Product Labeling Class Actions: One Label, Very Different Perspectives – Plaintiffs, Defendants and the Government,” Perrin Conferences, November 15, 2012
- Lecturer, “Ascertainable Loss Under the NJ CFA – More than Just Out-of-Pocket Damages,” New Jersey Association for Justice, Meadowlands Seminar, November 15, 2013

- Lecturer, “Identifying Consumer Class Actions,” New Jersey Association of Justice, Boardwalk Seminar, April 9, 2015
- Lecturer and Co-Chair, “Consumer Law – Boardwalk Seminar 2016 – Identify Class Actions in Your Practice”, NJAJ Educational Foundation, Inc.’s Boardwalk Seminar 2016, April 8, 2016
- Lecturer, “Insights into Federal Practice: Perspectives of the Bench and Bar”, The United States District Court for the District of New Jersey, in conjunction with the Association of the Federal Bar of New Jersey, February 24, 2017
- Lecturer and Co-Chair, “Consumer Law – Boardwalk Seminar 2017 – Update on Arbitration Decisions and Aspects of the TCPA”, NJAJ Educational Foundation, Inc.’s Boardwalk Seminar, April 26, 2017
- Moderator and Co-Chair, “Consumer Law – Boardwalk Seminar 2018”, NJAJ Educational Foundation, Inc.’s Boardwalk Seminar, May 9 & 10, 2018

7. I am co-author of the following publication relating to class actions:

- Co-author, “A Plaintiff’s Perspective of the New “Ascertainability” Requirement in Federal Class Actions,” New Jersey Lawyer Magazine, March 2015.

I declare under penalty of perjury under the laws of the State of New Jersey that the foregoing is true and correct, and that this declaration was executed on May 23, 2019 in Marlton, New Jersey.

By: /s/ Stephen P. DeNittis
Stephen P. DeNittis, Esq